REMARKS

Claims 1, 6-13, 57, 58, 60, 64, 66, 67, 78, 93, 110, 146-149, 158, and 165-167 were pending prior to this Response. This Response cancels Claims 1, 6-13, 57, 58, 60, 64, 66. 78, 93, 110, 146-149, 158 and 166-167. Claims 168 - 182 are new. Accordingly, the pending claims are 67 and 168-182.

Disclosure of parallel applications

Applicant notes that parallel application are serial number 10/419,462 and serial number 10/782,968.

McCarthy et al Reference

US application serial number US 2002/0166017 has been identified by the Examiner as an anticipating reference for in parallel application Serial Number 10/419,462.

It is noted that the kit of independent Claim 67 is explicitly intended to detect the presence and/or clinical course of a neoplastic disease in an individual, quite different than McCarthy et al.'s focus on cardiovascular disease.

Furthermore, many of the present claims specify that the binding agent be specific for fragments from a certain portion of the thrombospondin molecule, which is narrower than any target suggested by McCarthy et al. Other claims reflect the requirement that the binding agent bind to the fragments, identified by gel electrophoresis, that actually appear in the plasma. Some of the claims further reflect the advantage of using binding agents that bind to all of the three

major fragments observable in gels.

Furthermore, some of the claims relate to kits with two binding agents, one that binds to thrombospondin but not its plasma fragments, and one that binds to both. As explained in the specification (Page 16, lines 4-10) this allows quantitation of the amount of a fragment or fragments even in the presence of thrombospondin.

Additionally, some of the claims relate to kits that require the presence of a molecule reactive with the binding agent, which molecule can serve various functions, discussed further below and in the specification

Election pursuant to Restriction Requirement (Paragraph 2 of the Office Action)

Applicant elects Inventions 112-148 corresponding to Claims 66, 67, 78 and 93, each of which are drawn to a kit.

Identification of Claims encompassing the election (Paragraph 4 of the Office Action)

This Response cancels Claim 66, 78 and 93. Claims 168-182 have been added.

The Claims encompassing the elected invention are Claims 67 and 168-182.

Amendment of the title of the application

The change is intended to indicate that the claims focus on kits.

Newly added independent Claims 168, 169, 173-175 and 181

Newly added independent Claims 168, 169, 173, 174 and 175, parallel Claim 67. The

differences among those Claims relates to the binding agent's specificity: which fragments it will bind to.

Newly added independent Claim 181 parallels Claim 67 except that it does not contain the limitation, "said kit for the detection and/or monitoring of the clinical course of a neoplastic disease." That limitation finds support, for example, in Claim 113 and the preamble to Claim 110, in the application as filed.

Language from Claim 1 has been imported into Claim 67.

Language from Claim 6 has been combined with Claim 67 to create Claim 168.

Language from Claim 9, 11 and 12 has been combined with Claim 67 to create Claim 169.

Claim173 finds support in the application at page 29, lines 15-17.

Claim 174 finds support at Page 36, line 22 – page 37, line 32, where it is indicated that is a preferred embodiment of the invention is one that detects all of the major fragments, those of of ~85 kDa, ~50kDa, and ~30 kDa, respectively. See page 2, lines 26-30 and the application generally for the full size ranges of those fragments.

Claim 175 finds support at Page 36, line 22 – page 37, line 32, indicating that a preferred embodiment of the invention is one that detect the fragments of ~85 kDa, ~50kDa, and ~30 kDa and that the portion of thrombospondin in the fragments of ~30 kDa are common to all three. See page 2, lines 26-30 and the application generally for the full size range of the fragments of ~30 kDa.

New dependent Claim 176

Support for including a molecule reactive with the binding agent is found at page 27, lines 12-14 and page 37 lines 30-34 (to facilitate detection, calibration, and standardization curves; See also page 22, lines 1-6) and at page 41, lines 24-27 (for use in competitive ELISAs).

New dependent Claim 177

Support for specifying the TEENKE sequence can be found at Page 5, lines 2-5; Page 11, line 30 – page 12, line 7; and page 17, lines 7-9. (See also page 37, lines 16-20.)

New dependent claims 178-180 and 182

Claims 178-180 and 182 are for kits for assays that require at least two binding agents. Support is found in the specification at page 16, lines 4-10 and also generally.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for initial examination and allowance, the Examiner is invited to phone Applicants' undersigned attorney at **610-724-2952**.

Respectfully submitted,

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